

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEPHANIE L. YEIDER,

Plaintiff,

Case No. 12-10902

v.

HONORABLE AVERN COHN

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 11)
AND
GRANTING PLAINTIFF'S MOTION TO VOLUNTARILY DISMISS (Doc. 10)
AND
DENYING AS MOOT THE COMMISSIONER'S MOTION TO DISMISS (Doc. 8)
AND
DISMISSING CASE WITHOUT PREJUDICE

I.

This is a social security case. Plaintiff Stephanie L. Yeider appeals from the final determination of the Commissioner of Social Security (Commissioner) that she is not disabled and therefore not entitled to disability insurance benefits. The matter was referred to a magistrate judge for all pretrial proceedings. The Commissioner filed a motion to dismiss on the grounds the complaint was untimely. Plaintiff moved to voluntarily dismiss, requesting that a dismissal be without prejudice. The magistrate judge issued a report and recommendation (MJRR) recommending that (1) plaintiff's motion to dismiss be granted, (2) the Commissioner's motion to dismiss be denied as moot, and (3) the complaint be dismissed without prejudice..

II.

Neither party has filed objections to the MJRR and the time for filing objections has passed. The failure to file objections to the report and recommendation waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir.1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985). However, the Court has reviewed the file and the MJRR and agrees with the magistrate judge.

III.

Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. Plaintiff's motion to dismiss is GRANTED. The Commissioner's motion to dismiss is DENIED AS MOOT. This case is DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

Dated: August 1, 2012

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, August 1, 2012, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160